

Attorney's Docket No. 99R-2-1

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type: (check one applicable item below)

- ☐ original
- ☐ design
- ☐ national stage of PCT
- ☐ supplemental
- ☐ divisional
- ☒ continuation of US Application No. 09/263,131
- ☐ continuation-in-part (CIP)

INVENTORSHIP IDENTIFICATION

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

BILATERALLY SYMMETRICAL BATTERY POWERED MICROPROCESSOR CONTROLLED
LIGHTWEIGHT HAND HOLDABLE ELECTRONIC PIPETTE

SPECIFICATION IDENTIFICATION

the specification of which:

- (a) ☒ is attached hereto.
- (b) ☐ described and claimed in U.S. Application No. _____
filed on _____.
- (c) ☐ was described and claimed in PTC International

ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations. Section 1.56(a).

☐ In compliance with this duty there is attached an information disclosure statement. 37 CFR 1.97.

PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))

(d) ☐ no such applications have been filed.

(e) ☐ such applications have been filed as follows

EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

<u>COUNTRY</u>	<u>APPLICATION NUMBER</u>	<u>DATE OF FILING</u> (mo., day, yr.)	<u>PRIORITY CLAIMED</u> <u>UNDER 37 USC 119</u>
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☒ YES ☐ NO

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

<u>COUNTRY</u>	<u>APPLICATION NUMBER</u>	<u>DATE OF FILING</u> (mo., day, yr.)	<u>PRIORITY CLAIMED</u> <u>UNDER 37 USC 119</u>
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☒ YES ☐ NO

POWER OF ATTORNEY

As a named inventor, I hereby appoint the following attorney(s) or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Robert R. Meads

Reg. No. 22, 796

SEND CORRESPONDENCE TO:

DIRECT TELEPHONE CALLS TO:

Robert R. Meads
Rainin Instrument Co., Inc.
5400 Hollis Street
Emeryville, CA 94608

Robert R. Meads
(510) 654-9142
(310) 373-7621

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issued thereon.

SIGNATURES

Full name of first joint inventor: KENNETH RAININ

Inventor's signature Kenn Rain
Date: August 9, 2001 Country of Citizenship: U.S.A.
Residence: Piedmont, California
Post Office Address: 26 Sea View Avenue, Piedmont, California

Full name of second joint inventor: CHRISTOPHER KELLY

Inventor's signature Chris Kelly
Date: August 15, 2001 Country of Citizenship: U.S.A.
Residence: Larkspur, California
Post Office Address: 127 Wilson Way, Larkspur, California 94939

Full name of third joint inventor: JAMES S. PETREK

Inventor's signature James S. Petrek
Date: August 15, 2001 Country of Citizenship: U.S.A.
Residence: Danville, California
Post Office Address: 365 Conway Drive, Danville, California

Express Mail ET009953463 US
99R-2-1

Attorney's Docket No.

Applicant or Patentee: Kenneth Rainin et al

Serial or Patent No.: _____

Filed or Issued: _____

For: BILATERALLY SYMMETRICAL BATTERY POWERED MICROPROCESSOR
CONTROLLED LIGHTWEIGHT HAND HOLDABLE ELECTRONIC PIPETTE

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(F) AND 1.27(C)) --SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business
☒ an official of the small business concern
empowered to act on behalf of the concern
identified below:

Name Of Concern: RAININ INSTRUMENT CO., INC.

Address Of Concern: 5400 HOLLIS STREET, EMERYVILLE, CA. 94608

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed, to and remain with the small business concern identified above with regard to the invention, entitled BILATERALLY SYMMETRICAL BATTERY POWERED MICROPROCESSOR CONTROLLED LIGHTWEIGHT HAND HOLDABLE ELECTRONIC PIPETTE by inventor(s) Kenneth Rainin, Christopher Kelly and James S. Petrek, described in

- ☒ the specification filed herewith
☐ application serial no. _____, filed _____
☐ patent no. _____ issued _____

if the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below*

and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*Note Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).

NAME _____

ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: JAMES S. PETREK

TITLE OF PERSON OTHER THAN OWNER: VICE-PRESIDENT

ADDRESS OF PERSON SIGNING: 5400 Hollis Street
Emeryville, CA, 94608

SIGNATURE: L S Petrek

DATE: 9/15/01